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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,297	10/16/2003	Jerzy Olejnik	AMBER-07185	7926
7590	04/10/2006		EXAMINER	
Peter G. Carroll MEDLEN & CARROLL, LLP Suite 350 101 Howard Street San Francisco, CA 94105			CHUNG, SUSANNAH LEE	
			ART UNIT	PAPER NUMBER
			1626	
DATE MAILED: 04/10/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/687,297	Applicant(s) OLEJNIK ET AL.	
	Examiner Susannah Chung	Art Unit 1626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-59 is/are pending in the application.
- 4a) Of the above claim(s) 1-19 and 31-54 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 28-30 and 57-59 is/are allowed.
- 6) ☒ Claim(s) 22-24, 26 and 27 is/are rejected.
- 7) ☒ Claim(s) 21, 25, 55 and 56 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-59 are pending in the instant application. Claims 1-19 and 31-54 have been withdrawn as non-elected subject matter.

Response

Applicant's response and amendments to the claims filed on 02/06/2006 are acknowledged.

Examiner has reviewed Applicant's amendments and the 103 and 112 rejections are withdrawn, except for the 112 rejections on the term "aliphatic hydrocarbon." The 112, 1st rejection for the term "aliphatic hydrocarbon" is maintained. Applicant's arguments have been considered. Applicant states that the term "aliphatic hydrocarbon chain" is "definite to a person of ordinary skill in the art in question" (remarks, page 19, lines 2-3). Examiner respectfully disagrees.

Applicant cites two passages from the textbook Chemical Principles:

In discussing the solubility of two liquids in each other, it is sometimes stated that "like dissolves like." A more meaningful way of expressing this same idea is to say that substances that have similar molecular structures and, consequently, intermolecular forces of about the same magnitude will be soluble in each other in all proportions. An illustration of this rule is furnished by the liquid aliphatic hydrocarbons, of general formula C_nH_{2n+2} (C_5H_{12} , C_6H_{14} , ..., $C_{18}H_{38}$), all of which are completely miscible with each other. Molecules of these nonpolar substances are held together by dispersion forces which increase only slightly with molecular size. The forces between C_5H_{12} molecules in pure liquid pentane are very nearly the same as those between C_5H_{12} and C_8H_{18} molecules in a solution of pentane in octane. A pentane molecule readily passes into solution in octane because it undergoes virtually no change in environment in the solution process.

p. 277, 1st paragraph;

and

Organic compounds can be classified into groups and subgroups, according to the nature of the covalent bonds and the kinds of atoms present. One very large group includes those substances whose molecules contain only carbon and hydrogen atoms. These substances are called **hydrocarbons**, and, depending on the kinds of carbon bonds present, they can be further classified as paraffins, olefins, acetylenes, or aromatic substances. In this section we will first consider the hydrocarbons, then some compounds containing halogens, and finally oxygen-containing organic compounds.

p. 616, 2nd paragraph.

Examiner has considered these two passages, but disagrees that they provide a single definition for the term "aliphatic hydrocarbon chain." It should be noted that the term "aliphatic

Art Unit: 1626

hydrocarbon chain” does not appear anywhere in these two passages, but examiner will consider the variations of the term for clarification purposes.

On page 277, 1st paragraph, the term “liquid aliphatic hydrocarbon” is defined as a general formula C_nH_{2n+2} ($C_2H_6, C_3H_8, C_4H_{10}, \dots, C_{18}H_{38}$). In other words it describes a linear alkyl chain of up to 18 carbons. If this definition were in the specification it would be meet the written description and enablement issues. It would be clear that this term was referring to a linear alkyl chain with an upper limit of 18 carbons.

On page 616, 2nd paragraph, the term “hydrocarbons” is defined as a very large group of compounds which contain only carbon and hydrogen atoms. This can include paraffins, olefins, acetylenes, or aromatic substances. This definition even if found in the specification would not support written description or enablement issues.

It has been established that the term “aliphatic hydrocarbon chain” is not defined in the specification, except for an illustration of an aliphatic hydrocarbon chain in Figure 14B. In Figure 14B, the aliphatic hydrocarbon chain is isopropyl. The additional figures also provide support for an aliphatic hydrocarbon chain that is a lower alkyl chain only. Therefore, support exists in the figures for an aliphatic hydrocarbon chain that is C1-10 alkyl, linear or branched. In order to overcome this rejection, the substituent **R** should be limited to “an aliphatic hydrocarbon chain, wherein the aliphatic hydrocarbon chain is C1-10 alkyl, linear or branched.”

This issue was discussed with Attorney Peter Carroll via telephone on 03/30/2006.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the

Art Unit: 1626

mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

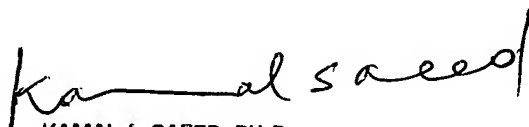
Telephone Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susannah Chung whose telephone number is (571) 272-6098. The examiner can normally be reached on M-F, 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph McKane can be reached on (571) 272-0699. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Susannah Chung
Patent Examiner, AU 1626
Date: 03/30/2006


KAMAL A. SAEED, PH.D.
PRIMARY EXAMINER